

Application No: 09/995,467  
Attorney's Docket No: GB 000168

### REMARKS

Applicant acknowledges receipt of the Office Action dated November 15, 2005. Favorable reconsideration of this application is respectfully requested in view of the following remarks. Claims 1-14 are pending in the present application of which claims 1, 3, and 13 are independent.

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sicher (WO 93/17531) in view of Freeburg (U.S. Patent No. 5,095,535) and further in view of Nelken (U.S. Patent No. 6,961,720). The above rejections are respectfully traversed for at least the reasons set forth below.

#### REJECTION UNDER 35 U.S.C. § 103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sicher in view of Freeburg and further in view of Nelken. This rejection is respectfully traversed because Sicher, Freeburg, and Nelken, considered singly or in combination, fail to teach or

Application No: 09/995,467  
Attorney's Docket No: GB 000168

suggest the claimed invention as set forth in amended claims 1, 3, 13 and their dependents. Additionally, the rejection is respectfully traversed because there is no motivation to combine either Sicher or Freeburg with Nelken.

Sicher discloses call priority in a mobile radiotelephone system. FIG. 3 illustrates an embodiment of a base station that can be utilized in a cellular telephone system. See p. 10, ln. 4-6. The base station has two receiving antennas, which each have an associated receiver 126', RF demodulator 127', and IF demodulator 128'. See p. 10, ln. 16-18. As shown in FIG. 4a, whether or not a call is to be treated as a priority call is determined in Step S1 by retrieving subscriber category information from a database. See p. 11, ln. 1-3. When the mobile subscriber responds, it is determined in Step S17 of FIG. 4b whether one of the voice channels assigned to the corresponding base station is available to service the call. See p. 12, ln. 31-34. If more than one voice channel is available, then the voice channels are ordered according to one or more performance criteria (S21) and one of the available voice channels in terms of the criteria is selected to be seized on behalf of the call according to its priority. See p. 14, ln. 6-23. If the call is high priority then the best one of the available voice channels in terms of the criteria is selected in Step S29 to be seized on behalf of the call in Step S35. Id.

Freeburg discloses a high bit rate communication system for overcoming multipath interference. A communication system for relatively high data bit rate RF communication overcomes multipath interference by employing relatively narrow beam antenna sectors and by selecting the best communication path established between two terminals, at least one of which has narrow beam antenna sectors. See abstract. The communication path selection process includes determining the signal integrity of data communicated between the terminals. Id. One implementation includes the narrow beam antenna sectors at each terminal. Id.

Nelken discloses a system and method for automatic task prioritization. FIG. 1 is a block diagram of one embodiment of an electronic interaction system 100. See col. 2, ln. 45-46. Communications received by contact center 112 may be in the form of tasks. See col. 2, ln. 59-60. A task may be an action that is to be performed by an agent or an electronic system. See col. 3, ln. 1-2. Alternatively, a task may be a piece of data that must be acted upon in some fashion.

Application No: 09/995,467  
Attorney's Docket No: GB 000168

See col. 3, ln. 2-4. Contact center 112 forwards tasks to operations center 114. See col. 3, ln. 12-13. Agents 140-144 in agent pool 116 select via path 160 tasks that are received by operations center 114. See col. 3, ln. 13-14. Each agent is preferably a skilled person trained to perform the types of tasks that are received by operations center 114. See col. 3, ln. 14-16. As shown in FIG. 3, task parser 312 analyzes content for each task. See col. 4, ln. 23-24. Priority module 314 compares the parsed tasks with its priority data and assigns a priority code to each task. See col. 4, ln. 44-45. The priority code may represent one of a limited number of priority levels. See col. 4, ln. 46-48. As shown in FIG. 4, priority module 314 sends the task and priority code to task queue 210, inserting the task in task queue according to the priority code of the task. See col. 5, ln. 58-62.

Claims 1 and 3 recite “data categorization means for determining and assigning a data quality category to a set of data for transmission, said data categorization means being adapted to assign different categories to different segments of the set of data from an application.” The Examiner alleged that Nelken teaches this feature. The applicants respectfully submit that Nelken does not show “data categorization means for determining and assigning a data quality category to a set of data for transmission . . .” The priority module of Nelken assigns a priority code to each task in order to prioritize tasks in an organization efficiently and accurately. The classification is based on the nature of the tasks received by the system and priority guidelines established by a system user. In other words, the priority module assigns codes that reflect the importance of tasks in an electronic interaction system and does not assign a *data quality* category to a set of data for transmission. Moreover, the priority codes of Nelken are simply used to insert the task into the task queue and are not used to categorize a set of data *for transmission*. Thus Nelken does not teach “data categorization means for determining and assigning a data quality category to a set of data for transmission . . .” Moreover, as the Examiner noted in the Office Action dated November 15, 2005, Sicher and Freeburg, in combination, fail to teach “data categorization means . . .” Consequently, it is respectfully submitted that Sicher, Freeburg, and Nelken fail to teach, singly or in combination, “data categorization means for determining and assigning a data quality category to a set of data for

Application No: 09/995,467  
Attorney's Docket No: GB 000168

transmission, said data categorization means being adapted to assign different categories to different segments of the set of data from an application."

Additionally, Claims 1 and 3 recite "mapping means responsive to said path characterization means and said data categorization means . . ." The Examiner stated that Sicher shows this feature. The applicants respectfully submit that Sicher does not show "mapping means responsive to said path characterization means and said data characterization means . . ." As discussed above, the Examiner noted in the Office Action dated November 15, 2005 that Sicher and Freeburg, in combination, fail to each "data categorization means." Because Sicher does not include data categorization means, it could not include "mapping means *in response to* said path characterization means and *said data categorization means*" (emphasis added). The Examiner does not rely on Nelken or Freeburg to make up for this deficiency. Consequently, it is respectfully submitted that Sicher, Freeburg, and Nelken fail to teach, singly or in combination, "mapping means responsive to said path characterization means and said data categorization means . . ."

Claim 13 recites "assigning different categories to different segments of a set of data from an application for transmission." The Examiner stated that Nelken teaches this feature. The applicants respectfully submit that Nelken does not show "assigning different categories to different segments of a set of data from an application for transmission." The present invention assigns categories to segments of data in order to prepare the data for transmission. The priority module of Nelken, on the other hand, assigns a priority code to each *task* in order to prioritize tasks in an organization efficiently and accurately. In other words, the priority codes of Nelken are assigned to individual *tasks*, which are not *segments of a set of data*. Moreover, the priority codes of Nelken are simply used to insert the task into the task queue and are not used to assign different categories to segments *for transmission*. Thus Nelken does not teach "assigning different categories to different segments of a set of data from an application for transmission." Moreover, the Examiner does not rely on either Sicher or Freeburg to make up for this deficiency. Consequently, it is respectfully submitted that Sicher, Freeburg, and Nelken fail to

Application No: 09/995,467  
Attorney's Docket No: GB 000168

teach, singly or in combination, "assigning different categories to different segments of a set of data from an application for transmission."

With regards to claims 1, 3, and 13, the Office Action stated that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nelken into the view of Sicher and Freeburg in order to transmit the priority data as suggested by Nelken." Sicher and Freeburg relate to communication systems for the radio transmission of data. Nelken, on the other hand, relates to electronic systems and more particularly to a system and method for automatic task prioritization. The teachings of Nelken are intended to enable an organization to efficiently prioritize tasks, not to categorize data for subsequent transmission. Therefore, it is respectfully submitted that the Office Action fails to provide a proper motivation to combine either Sicher or Freeburg with Nelken.

At least by virtue of Sicher, Freeburg, and Nelken's failure to teach or suggest the above identified elements of claims 1, 3, and 13, and the lack of a motivation to combine either Sicher or Freeburg with Nelken, a prima facie case of obviousness has not been established under 35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1, 3, and 13. Claim 2 depends from allowable claim 1, claims 4-12 depend from allowable claim 3, and claim 14 depends from allowable claim 13. Claims 2, 4-12, and 14 are therefore allowable at least by virtue of their dependencies.


In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

Application No: 09/995,467  
Attorney's Docket No: GB 000168

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Respectfully submitted,  
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